

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 7

ARRESTS AND SEIZURES OF PERSONS OR PROPERTY -- SPECIAL OFFICERS

18-701. REFUSAL OF OFFICER TO MAKE ARREST. Every sheriff, coroner, keeper of a jail, constable, or other peace officer, who wilfully refuses to receive or arrest any person charged with criminal offense, is punishable by fine not exceeding \$5,000, and imprisonment in the county jail not exceeding one (1) year.

[18-701, added 1972, ch. 336, sec. 1, p. 862.]

18-703. ILLEGAL ARRESTS AND SEIZURES. Every public officer, or person pretending to be a public officer, who, under the pretense or color of any process or other legal authority, arrests any person or detains him against his will, or seizes or levies upon any property, or dispossesses any one of any lands or tenements, without a regular process or other lawful authority therefor, is guilty of a misdemeanor.

[18-703, added 1972, ch. 336, sec. 1, p. 862.]

18-704. INHUMAN TREATMENT OF PRISONERS. Every officer who is guilty of wilful inhumanity or oppression toward any prisoner under his care or in his custody is punishable by fine not exceeding \$5,000, and removal from office.

[18-704, added 1972, ch. 336, sec. 1, p. 862.]

18-705. RESISTING AND OBSTRUCTING OFFICERS. Every person who wilfully resists, delays or obstructs any public officer, in the discharge, or attempt to discharge, of any duty of his office or who knowingly gives a false report to any peace officer, when no other punishment is prescribed, is punishable by a fine not exceeding one thousand dollars (\$1,000), and imprisonment in the county jail not exceeding one (1) year.

[18-705, added 1972, ch. 336, sec. 1, p. 863; am. 1982, ch. 50, sec. 1, p. 75.]

18-706. UNNECESSARY ASSAULTS BY OFFICERS. Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by fine not exceeding \$5,000 and imprisonment in the county jail not exceeding one (1) year.

[18-706, added 1972, ch. 336, sec. 1, p. 844.]

18-708. RECAPTURE OF GOODS FROM LEGAL CUSTODY. Every person who wilfully injures or destroys, or takes, or attempts to take, or assists any person in taking or attempting to take, from the custody of any officer or person, any personal property which such officer or person has in charge under any process of law, is guilty of a misdemeanor.

[18-708, added 1972, ch. 336, sec. 1, p. 863.]

18-709. MALICIOUSLY PROCURING WARRANT. Every person who, maliciously and without probable cause, procures a search warrant or warrant of arrest to be issued and executed, is guilty of a misdemeanor.

[18-709, added 1972, ch. 336, sec. 1, p. 863.]

18-711. UNLAWFUL EXERCISE OF FUNCTIONS OF PEACE OFFICERS -- UNLAWFUL IMPORTATION OF POLICE OFFICERS -- SUPPRESSION OF VIOLENCE -- EXCEPTIONS. 1. Any person who shall in this state unlawfully exercise or attempt to exercise the functions of, or hold himself out to any one as, a deputy sheriff, marshal, policeman, constable or peace officer, or any person, whether acting in his own behalf or as an officer of the law, or as the authorized or unauthorized agent or representative of another, or of any association, corporation or company, who shall bring or cause to be brought, or aid in bringing into this state any armed or unarmed police force or detective agency or force, or any armed or unarmed body of men for the suppression of domestic violence, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison for not less than two (2) years and not more than five (5) years: provided, that the legislature, or the executive when the legislature can not be convened, may call upon the lawfully constituted authorities of the United States for the protection against invasion and domestic violence, as provided in section 4 of article 4 of the Constitution of the United States.

2. This section shall not apply to a law enforcement officer who pursuant to an interlocal cooperation plan upon receiving an emergency request from an Idaho law enforcement officer enters Idaho to give assistance; nor shall this section apply to the Idaho law enforcement officer who makes a request for emergency assistance.

[I.C., sec. 18-711, as added by S.L. 1972, ch. 336, sec. 1, p. 863; am. 1975, ch. 130, sec. 1, p. 287.]

18-712. CIVIL LIABILITY FOR IMPORTING POLICE OFFICERS OR ARMED MEN. Any person, officer, company, association or corporation who shall knowingly bring, or cause to be brought, or aid in bringing, into this state any armed or unarmed police force, detective agency or force, or armed or unarmed body of men for the suppression of domestic violence, shall be liable in a civil action to any person for any injury to person or property through the action, or as the result of the coming or bringing into the state of such body of men, or any of them, whether acting together or separately in carrying out the purpose for which they were brought or came into the state.

[18-712, added 1972, ch. 336, sec. 1, p. 864.]